

1-1 By: Duncan, Schwertner, Watson S.B. No. 1142
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Education; April 2, 2013,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 2, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Patrick	X		
1-9	Lucio	X		
1-10	Campbell	X		
1-11	Duncan	X		
1-12	Paxton	X		
1-13	Seliger	X		
1-14	Taylor	X		
1-15	Van de Putte	X		
1-16	West	X		

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1142 By: Duncan

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to an adult high school diploma and industry certification
1-21 charter school pilot program for adults 19 to 50 years of age.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subdivision (1), Section 29.251, Education Code,
1-24 is amended to read as follows:

1-25 (1) "Adult education" means services and instruction
1-26 provided below the college level for adults by public local
1-27 education agencies, public nonprofit agencies, nonprofit entities
1-28 providing services and instruction as described by Section 29.259,
1-29 or community-based organizations.

1-30 SECTION 2. Section 29.252, Education Code, is amended to
1-31 read as follows:

1-32 Sec. 29.252. STATE ROLE IN ADULT AND COMMUNITY EDUCATION.

1-33 (a) The agency shall:

1-34 (1) provide adequate staffing to develop, administer,
1-35 and support a comprehensive statewide adult education program and
1-36 coordinate related federal and state programs for education and
1-37 training of adults;

1-38 (2) develop, implement, and regulate a comprehensive
1-39 statewide program for community level education services to meet
1-40 the special needs of adults;

1-41 (3) develop the mechanism and guidelines for
1-42 coordination of comprehensive adult education and related skill
1-43 training services for adults with other agencies, both public and
1-44 private, in planning, developing, and implementing related
1-45 programs, including community education programs;

1-46 (4) administer all state and federal funds for adult
1-47 education and related skill training in this state, except in
1-48 programs for which another entity is specifically authorized to do
1-49 so under other law;

1-50 (5) prescribe and administer standards and
1-51 accrediting policies for adult education;

1-52 (6) prescribe and administer rules for teacher
1-53 certification for adult education;

1-54 (7) accept and administer grants, gifts, services, and
1-55 funds from available sources for use in adult education;

1-56 (8) adopt or develop and administer:

1-57 (A) a standardized assessment mechanism for
1-58 assessing all adult education program participants who need
1-59 literacy instruction, adult basic education, or secondary
1-60 education leading to an adult high school diploma or the

equivalent; and

(B) a standardized secondary exit-level assessment instrument appropriate for assessing adult education program participants who successfully complete high school curriculum requirements under a program provided under Section 29.259;

(9) collaborate with the Texas Workforce Commission to improve the coordination and implementation of adult education and literacy services in this state; and

(10) monitor and evaluate educational and employment outcomes of students who participate in the agency's adult education and literacy programs.

(b) The assessment mechanism prescribed under Subsection (a)(8)(A) [~~(a)(8)~~] must include an initial basic skills screening instrument and must provide comprehensive information concerning baseline student skills before and student progress after participation in an adult education program.

SECTION 3. Section 29.253, Education Code, is amended to read as follows:

Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult education programs shall be provided by public school districts, public junior colleges, public universities, public nonprofit agencies, and community-based organizations approved in accordance with state statutes and rules adopted by the State Board of Education. A nonprofit entity described by Section 29.259 may also provide an adult education program as provided by that section. The programs must be designed to meet the education and training needs of adults to the extent possible within available public and private resources. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development.

SECTION 4. Section 29.2531, Education Code, is amended to read as follows:

Sec. 29.2531. ADULT EDUCATION ASSESSMENT. (a) The agency [~~Texas Education Agency~~] shall, in consultation with the Texas Higher Education Coordinating Board, review the standardized assessment mechanism required under Section 29.252(a)(8)(A) [~~29.252(a)(8)~~] and recommend any changes necessary to align the assessment with the assessments designated under Section 51.3062 to allow for the proper placement of a student in an adult basic education course or to provide the student with the proper developmental or English as a second language coursework, as appropriate.

(b) The commissioner shall determine the level of performance considered to be satisfactory on a secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) for receipt of a high school diploma by an adult education program participant in a program provided under Section 29.259.

SECTION 5. Section 29.255, Education Code, is amended to read as follows:

Sec. 29.255. FUNDING. (a) Funds shall be appropriated to implement statewide adult basic education, adult bilingual education, high school equivalency, and high school credit programs to eliminate illiteracy in this state and to implement and support a statewide program to meet the total range of adult needs for adult education, related skill training, and pilot programs to demonstrate the effectiveness of the community education concept. The agency shall ensure that public local education agencies, public nonprofit agencies, nonprofit entities providing programs under Section 29.259, and community-based organizations have direct and equitable access to those funds. An additional sum of money may be appropriated to the Texas Economic Development and Tourism Office [~~Department of Commerce~~] for the purpose of skill training in direct support of industrial expansion and start-up, and those locations, industries, and occupations designated by the Texas Economic Development and Tourism Office [~~Department of Commerce~~], when such training is also in support of the basic purposes of this subchapter. To fulfill the basic purposes of this subchapter, an additional sum of money may be appropriated for

skill training that is conducted to support the expansion of civilian employment opportunities on United States military reservations.

(b) The agency, in conjunction with the Texas Economic Development and Tourism Office [~~Department of Commerce~~], may adopt rules to administer skill training programs for which the agency is responsible, and the Texas Economic Development and Tourism Office [~~Department of Commerce~~] may adopt rules to administer skill training programs for which it is responsible.

SECTION 6. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.259 to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. (a) The commissioner shall establish an adult high school diploma and industry certification charter school pilot program as provided by this section as a strategy for meeting industry needs for a sufficiently trained workforce within the state.

(b) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, the State Board of Education may grant, on the basis of an application submitted to the board, a charter under the pilot program to a single nonprofit entity described by Subsection (c) to provide an adult education program for not more than 150 individuals described by Subsection (e) to successfully complete:

(1) a high school program that can lead to a diploma; and

(2) career and technology education courses that can lead to industry certification.

(c) A nonprofit entity may be granted a charter under this section only if the entity:

(1) has a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances; and

(2) agrees to commit at least \$1 million to the adult education program offered.

(d) A nonprofit entity granted a charter under this section may partner with a public junior college to provide career and technology courses that lead to industry certification.

(e) A person who is at least 19 years of age and not more than 50 years of age is eligible to enroll in the adult education program under this section if the person has not earned a high school equivalency certificate and:

(1) has failed to complete the curriculum requirements for high school graduation; or

(2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(f) The nonprofit entity must include in its charter application the information required by Subsection (g).

(g) A charter granted under this section must:

(1) include a description of the adult education program to be offered under this section; and

(2) establish specific, objective standards for receiving a high school diploma, including satisfactory performance on the standardized secondary exit-level assessment instrument described by Section 29.252(a)(8)(B) as provided under Section 29.2531.

(h) Funding for an adult education program under this section is provided based on the following:

(1) for participants who are 26 years of age and older, an amount per participant from available funds appropriated for adult basic education equal to the statewide average amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program to an open-enrollment charter school under Section 12.106 were the student under 26 years of age; and

(2) for participants who are at least 19 years of age

4-1 and under 26 years of age, an amount per participant through the
4-2 Foundation School Program equal to the amount of state funding per
4-3 student in weighted average daily attendance that would be
4-4 allocated under the Foundation School Program for the student's
4-5 attendance at an open-enrollment charter school in accordance with
4-6 Section 12.106.

4-7 (i) Sections 12.107 and 12.128 apply as though funds under
4-8 this section were funds under Subchapter D, Chapter 12.

4-9 (j) Not later than December 1 of each even-numbered year,
4-10 beginning December 1, 2016, the agency shall prepare and deliver to
4-11 the governor, lieutenant governor, speaker of the house of
4-12 representatives, and presiding officer of each standing
4-13 legislative committee with primary jurisdiction over public
4-14 education or economic development a report that:

4-15 (1) evaluates any adult education program operated
4-16 under a charter granted under this section; and

4-17 (2) makes recommendations regarding the abolition,
4-18 continuation, or expansion of the pilot program.

4-19 (k) The commissioner shall adopt rules necessary to
4-20 administer the pilot program under this section. In adopting
4-21 rules, the commissioner may modify charter school requirements only
4-22 to the extent necessary for the administration of a charter school
4-23 under this section that provides for adult education.

4-24 SECTION 7. Subsection (a), Section 42.003, Education Code,
4-25 is amended to read as follows:

4-26 (a) A student is entitled to the benefits of the Foundation
4-27 School Program if, on September 1 of the school year, the student:

4-28 (1) is 5 years of age or older and under 21 years of age
4-29 and has not graduated from high school, or is at least 21 years of
4-30 age and under 26 years of age and has been admitted by a school
4-31 district to complete the requirements for a high school diploma; or

4-32 (2) is at least 19 years of age and under 26 years of
4-33 age and is enrolled in an adult high school diploma and industry
4-34 certification charter school pilot program under Section 29.259.

4-35 SECTION 8. This Act takes effect September 1, 2013.

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